

AMENDED IN SENATE MAY 29, 2012

SENATE BILL

No. 1197

Introduced by Senator Calderon

February 22, 2012

An act to ~~add Sections 17053.8 and 23621.8 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy. amend Section 8344.5 of the Health and Safety Code, relating to crematories, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1197, as amended, Calderon. ~~Income taxes: hiring credit: veterans. Crematories: burning of flags.~~

Existing law provides that a crematory regulated by the Cemetery and Funeral Bureau shall knowingly cremate only human remains in cremation chambers, along with cremation containers, items used for disease control, and personal effects of the deceased.

This bill additionally would authorize the cremation of an American flag, in accordance with specified federal law, in conjunction with the cremation of human remains and other items described under existing law.

This bill would declare that it is to take effect immediately as an urgency statute.

~~The Personal Income Tax Law and the Corporation Tax Law allow various credits against the taxes imposed by those laws.~~

~~This bill would, for taxable years beginning on or after January 1, 2012, allow a credit against those taxes in an amount equal to ____% of the qualified first-year wages, as defined, paid by the taxpayer to a qualified veteran, as defined, during the taxable year.~~

~~This bill would take effect immediately as a tax levy.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8344.5 of the Health and Safety Code is
2 amended to read:

3 8344.5. ~~A~~-(a) Except as provided in subdivision (b), a
4 crematory regulated by the Cemetery and Funeral Bureau shall
5 knowingly cremate only human remains in cremation chambers,
6 along with the cremation container, personal effects of the
7 deceased, and no more than a negligible amount of chlorinated
8 plastic pouches utilized for disease control when necessary.

9 (b) In conjunction with the cremation of human remains and
10 other items as described in subdivision (a), a crematory regulated
11 by the Cemetery and Funeral Bureau also may cremate an
12 American flag provided it is done in accordance with the provisions
13 of subsection (k) of Section 8 of Title 4 of the United States Code.

14 SEC. 2. This act is an urgency statute necessary for the
15 immediate preservation of the public peace, health, or safety within
16 the meaning of Article IV of the Constitution and shall go into
17 immediate effect. The facts constituting the necessity are:

18 In order to ensure that appropriate state agencies have clear
19 direction with respect to the regulation of crematories, and that
20 crematories operating under state law are adequately protected
21 at the earliest possible time, it is necessary that this bill take effect
22 immediately.

23 ~~SECTION 1. Section 17053.8 is added to the Revenue and~~
24 ~~Taxation Code, to read:~~

25 ~~17053.8.—(a) For each taxable year beginning on or after~~
26 ~~January 1, 2012, there shall be allowed as a credit against the “net~~
27 ~~tax,” as defined in Section 17039, an amount equal to _____ percent~~
28 ~~of the qualified first-year wages paid by the taxpayer to a qualified~~
29 ~~veteran during the taxable year.~~

30 ~~(b) For the purposes of this section:~~

31 ~~(1) “Qualified veteran” has the same meaning as defined in~~
32 ~~Section 51(d)(3) of the Internal Revenue Code.~~

33 ~~(2) “Qualified wages” has the same meaning as defined in~~
34 ~~Section 51(b) of the Internal Revenue Code.~~

1 ~~(e) In the case where the credit allowed by this section exceeds~~
2 ~~the “net tax,” the excess may be carried over to reduce the “net~~
3 ~~tax” in the following year, and succeeding years if necessary, until~~
4 ~~the credit is exhausted.~~

5 ~~(d) (1) The Franchise Tax Board may prescribe rules,~~
6 ~~guidelines, or procedures necessary or appropriate to carry out the~~
7 ~~purposes of this section.~~

8 ~~(2) Chapter 3.5 (commencing with Section 11340) of Part 1 of~~
9 ~~Division 3 of Title 2 of the Government Code shall not apply to~~
10 ~~any standard, criterion, procedure, determination, rule, notice, or~~
11 ~~guideline established or issued by the Franchise Tax Board~~
12 ~~pursuant to this section.~~

13 ~~SEC. 2.—Section 23621.8 is added to the Revenue and Taxation~~
14 ~~Code, to read:~~

15 ~~23621.8. (a) For each taxable year beginning on or after~~
16 ~~January 1, 2012, there shall be allowed as a credit against the “tax,”~~
17 ~~as defined in Section 23036, an amount equal to _____ percent of~~
18 ~~the qualified first-year wages paid by the taxpayer to a qualified~~
19 ~~veteran during the taxable year.~~

20 ~~(b) For the purposes of this section:~~

21 ~~(1) “Qualified veteran” has the same meaning as defined in~~
22 ~~Section 51(d)(3) of the Internal Revenue Code.~~

23 ~~(2) “Qualified wages” has the same meaning as defined in~~
24 ~~Section 51(b) of the Internal Revenue Code.~~

25 ~~(e) In the case where the credit allowed by this section exceeds~~
26 ~~the “tax,” the excess may be carried over to reduce the “tax” in~~
27 ~~the following year, and succeeding years if necessary, until the~~
28 ~~credit is exhausted.~~

29 ~~(d) (1) The Franchise Tax Board may prescribe rules,~~
30 ~~guidelines, or procedures necessary or appropriate to carry out the~~
31 ~~purposes of this section.~~

32 ~~(2) Chapter 3.5 (commencing with Section 11340) of Part 1 of~~
33 ~~Division 3 of Title 2 of the Government Code shall not apply to~~
34 ~~any standard, criterion, procedure, determination, rule, notice, or~~
35 ~~guideline established or issued by the Franchise Tax Board~~
36 ~~pursuant to this section.~~

37 ~~SEC. 3.—This act provides for a tax levy within the meaning of~~
38 ~~Article IV of the Constitution and shall go into immediate effect.~~

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